September 6, 2016

Environmental Protection Agency
Washington DC

RE: EPA Portland Superfund Plan

Dear Sirs:

1. These comments on the EPA's June 2016 Superfund Proposed Plan ("Plan") are offered by Olympic Tug and Barge. The purpose is to urge EPA to reconsider Remedial Alternative B as the cleanup approach that best satisfies EPA's cleanup selection criteria. Alternative B has the shortest construction period, exposes workers to the least contaminants for the shortest period, imposes the least dredging, does not require construction of a confined disposal facility, has the least likelihood of technical problems and schedule delays, will have the least impact on navigation, and has an estimated present value cost that almost halves the estimated present value cost of EPA's preferred Alternative I.

2. In 2012, an economic impacts report by The Brattle Group found that the economic benefits of cleaning up the Portland Harbor "relate almost exclusively to reductions in human health risk resulting from consumption of fish caught in the harbor area." This is partly because "remediation of the Portland Harbor will produce few ecosystem benefits." (D. Sunding, S. Buck, The Brattle Group, "Economic Impacts of Remediating the Portland Harbor Superfund Site," 3 Jan 2012, Administrative Record Doc. No. 100003005, p. 1.) This is largely because the Portland Harbor, an urban and industrial area for more than 100 years, is not an important habitat in terms of biodiversity. (Brattle Group, p. 24.) The Brattle Group's analysis therefore focused on the health risks of fish consumption, and the costs/benefits of reducing those health risks. EPA should do the same in assessing the remedial alternatives.

3. According to the Plan, EPA found that all remedial alternatives except Alternative A would be protective of human health (Plan, p. 50.), but rejected Alternative B as too slowly protective of the environment (Plan, pp. 50 – 51). But because "none of the alternatives address[es] all ecological risks" (Plan p. 60), the advantages of Alternative B, as the fastest and cheapest alternative with the least in-water construction, may exceed its disadvantages.

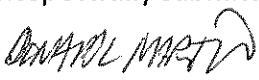
4. Arguably, dredging should minimized, since "[l]imited data exists on the depth of contamination at the Site." (Plan, p. 29.) Dredging sediments that do minimal harm in place is problematic—the dredging activity disturbs undredged sediments, potentially redistributing them to locations where they will be more harmful. It also requires a location to deposit them, which creates its own set of problems, including construction of a confined disposal facility. (See "Disposed Material Management" discussion, Plan p. 31.) If the extent of dredging cannot reliably be predicted, dredging in any areas other than those already dredged to maintain the navigation channel should be avoided.

5. As remedial alternatives with more expansive dredging, Alternatives E, F, G and I all require treatment of principal threat wastes away from the Portland Harbor, requiring disposal at a RCRA Subtitle C facility, which is itself problematic. But EPA does not provide any principled basis for determining whether the increased costs and risks required by waste disposal under Alternatives E, F, G and I are justified by the environmental benefits provided by those remedial alternatives. We are left to wonder whether and to what degree they are better than Alternative B.

6. The same criticism can be applied to EPA's fish consumption analysis of the remedial alternatives. EPA's preferred Alternative I will restrict fish meals for most populations to a rate of no more than 6 fish meals every 10 years throughout the construction period. (Plan, pp. 58 - 59.) After construction, Alterative I achieves 50 fish meals every 10 years. EPA advocates this result without explaining how 5 fish meals per year addresses the nutritional requirements or recreational concerns of either tribal or recreational fishers. There is no obvious reason to prefer Alternative I (7 years of 0.6 fish meals to achieve 5 fish meals per year) to Alternative B (4 years at 0.6 to achieve 3 per year) or, for that matter, to Alternative G (19 years at 0.6 to achieve 10 per year). EPA's preference seems wholly arbitrary.

7. EPA should therefore reconsider Alternative B by applying a more rigorous economic analysis comparing it to the others to determine and explain whether faster improvement of low ecological risk in an urban, industrial harbor at the much greater cost associated with the others, including EPA's preferred Alternative I, is justifiable. The public deserves to understand whether the incremental benefits of EPA's preferred Alternative I are worth the additional cost, time, and risk that accompany it.

Respectfully submitted,



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